

Legal - 2

1-3258

1953

26 October 1950

MEMORANDUM FOR: THE EXECUTIVE

SUBJECT: Super Grades

1. The Decision of the Comptroller General, B-90432, dated 15 November 1949, in effect gives CIA carte blanche to establish positions in grades equivalent to General Schedule grades 16, 17 and 18, except for three positions in the professional and scientific fields. There is nothing in that Decision that clearly requires personal action by the Director in the establishment of such grades. However, the stringent limitation on the numbers for such positions elsewhere in the government, which was specified by Congress, would make it prudent to exercise careful control over the allocation of such grades, particularly as the freedom of action legally available to CIA was not specifically granted by Congress but arose out of wide statutory authority given to CIA to enable it to carry out its assigned functions.

2. The Comptroller's Decision is somewhat unclear on what must be considered scientific and professional positions under the numerical limitation of three. However, this question was considerably clarified by discussion with Mr. Fisher, the General Counsel to the Comptroller General. He agreed with our position that this limitation applied to those scientific and professional people who were directly engaged in scientific intelligence functions.

3. The situation, therefore, is well covered in the memorandum of 5 December 1949 from the Deputy Budget Officer, with one exception.

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We believe that if he is engaged in engineering activities related solely to the maintenance of communications, or the administration thereof, he would not be engaged in scientific intelligence functions relating to the national security, and consequently there is no bar to establishing his position in the super grades.

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The interpretation of "professional personnel" was clarified by Mr. Fisher's statement that he assumed that a lawyer engaged in legal functions was not within the bar of Section 9 since he was not engaged in scientific intelligence functions. Of course a lawyer or a doctor working on scientific estimates would be within the prohibition.

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